

EXHIBIT C

TNC-February16_2016
Cohen Milstein Sellers & Toll PLLC
March 11, 2016
Transcript by TransPerfect

MIKE EBY: I'd like to welcome everybody here this evening to the National Dairy Producers Organization member call, 8:00 p.m. every Tuesday evening we have these calls, and it's always great to catch up with you guys every week and go over the agenda that we have as an organization, as well as keeping you up to speed. So for those of you that are listening to the recording, I've got a request that I put the date on these calls so that you know that you're listening to the new recording. The date today would be the 16th of February, 2016. So always great to, once again, have you guys, and tonight I would like to speak on a couple of different issues.

One, we are, I'm pleased to announce the fact that Jonathan Haar has plans to come on the call here. Hopefully he will be able to make it this evening. Last week he was a little under the weather, and based upon being sick and all the farm work and everything he's got to do around there, he just wasn't able to make the call here last week. So I told him to jump on here this evening at 8:15, so hopefully he'll be able to do that.

We'll discuss other issues here as well this evening, but predominantly I did want to mention the fact that we had a really good board call today, as we do every week. We have these board meetings every Tuesday at 1:00 PM. We try to keep it within one hour. There's a couple times that it does go over, but we feel that we can accomplish more if we just put our nose down and go full steam ahead.

So every Tuesday morning, I put together an agenda, and we also then receive the minutes from the week before. So just to let everybody know that we are following the procedure of these calls, specifically so that we can then document it for the purposes of being a nonprofit organization. For those of you that are maybe unaware, for legal terms, we need to be able to prove, by way of having minutes, that we are licensed and can be operating as a nonprofit. So everything that we do have is full transparency, and we are more than willing to share information with you if you ask. In fact, some of that transparency just goes right into the fact of, every Tuesday, every first Tuesday of every month, we open our board calls for member input, and it's not necessarily designed to be like the evening calls. These evening calls are more for interaction amongst board members. I'm sorry, amongst members and dairy producers in general, vendors, whoever like to join the call. But the board calls are more specified for you to listen and to be able to, for us to be able to, in essence, prove to you that, yes, we are an active board, and we do get things done on these calls.

Of course we do open it up though, towards the end of the call, and give input, offer in, if you would like to offer some input, we give the opportunity for that as well. So, anyway, just wanted to let everybody know that that's what we have going, and my son is motioning to me right now that he's having trouble with the feed cart. So can I pause this for a second? Is there someone else on the line that would like to discuss something and maybe have some communication before I get back? Floyd Hall happen to be on the line this evening, or Derek?

FLOYD HALL: Yes, I am.

MIKE EBY: Is Aaron on this evening?

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AARON HOSSETT: I'm on. Yes.

MIKE EBY: Oh, you're on, Aaron? Aaron, why don't you give people an update, maybe of New Mexico, and give me five minutes to get back here. My son's having trouble with the auger on the cart.

AARON HOSSETT: Okay.

MIKE EBY: I'll be back.

AARON HOSSETT: All right. Yes, anyway, this is [PH] Aaron Hossett here in New Mexico, and just letting, I suppose the main thing is, I'm one of the, I've kind of held off, I've held off going to the eastern part of the state after the blizzard that struck before Christmas on the 24th of December, simply for folks to clean up and assess damages and get stock of what's going on. But my plan is, probably, and I'm not sure if I'll be on the call next week, is at some point next week, to move out to Clovis are, which is pretty much, pretty close to the Texas line, and then down, in and around that area, as well as touching base with folks with the New Mexico Producers Association, and then come around through the south-central part of the state.

The hope is to try to build some sort of organizational structure in each of these locations so that we can obviously increase membership, and also just get a better assessment of what's happening in the state and in the region.

[00:05:10]

Also, there's an individual working with Gary Genske, who's a member, who's working on a resolution that will be brought to DFA on, I believe their national meeting is the 21st or something of March in Kansas City, which will deal with some issues around supply and price control types of issues, if I have that quite right. And I want to be able to touch base and also link our members in New Mexico with each other, so that they're all on board with it. So that's pretty much what's going on. I don't know if that's five minutes, but I did my best. Does anyone have any questions? Well, so anyway, that's what I'll be up to with some of this. Does anyone want to add anything or mention anything about anything going on anywhere else? Anybody have any advice for me on this trip?

FLOYD HALL: When you go to those farmers, are you going to, will you promote this, yes.

AARON HOSSETT: What was that?

FLOYD HALL: When they start promoting how much milk they can produce, there has to be something that goes along with it with price, because you can't ask these guys to cut back on production and not give them a price.

AARON HOSSETT: I'm sorry, I'm trying to, you're coming across not too easily here. So what is it you're asking?

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FLOYD HALL: Well, I mean, Gary and Mike were talking about, like, Land O' Lakes wants their numbers up back on production, but nobody's talking about how they're going to make up the difference to pay their bills when they, when they do cut back on production,3 if they ever do.

AARON HOSSETT: Yes. Well, I think those will be issues that we'll, you know, try to get their take on what kind of strategy to take in regard to these issues. I'm already seeing that, you know, there are at least folks within the New Mexico Dairy Producers Association and so forth, that probably would oppose any type of supply-based management at all. So they have a pretty strong kind of laissez faire attitude about the whole thing. So I guess I'm going down there to get an idea, and I think they're familiar with this, is to how to, how to deal with that type of situation and how to deal with their own economic situation. Some of them took some pretty devastating financial losses.

FLOYD HALL: Everybody, I realize those guys had to have one hell of a loss down there, but [INDISCERNIBLE]. But there's still dairy farmers having a loss without any, without any, you said, disaster, because of, in order one year of January's milk price out of Boston is going to be \$15.52. And you can't milk cows today for \$15.52.

AARON HOSSETT: Right.

FLOYD HALL: I mean --

AARON HOSSETT: Yes, well, I believe it's down to, last I heard when I was down in south-central New Mexico, it was down to 13 here.

[00:10:01]

Those are some of the issues that I'm really wondering about, as far as some of the attitude of the New Mexico, what I'm hearing a little bit from the New Mexico Dairy Producers Association, I'm a little bit confused. I'm also planning on meeting with the individual with extensions through Mexico State University, also out in Clovis, which is in the central-eastern part of the state. Because his prediction is that the numbers of dairy producers will reduce by one half from what it is today. I think with the next 10 or 20 years. Nobody's denying that, but there seems to be kind of a complacent attitude about it.

Also, you know, it's my impression that, and it's just my impression, which might be controversial to some, that my sense of it is that dairy producers have largely become franchises to these, you know, mega so-called co-ops, et cetera. That's the way I'm kind of looking at it. They're not really independent, because they don't control their own, they don't have any control of their own supply and management. And it just seems like, you know, to me, you know, as we have conversed on the phone, this system is fairly rigged, yet there's an underlying belief that somehow or other they are independent small business. But I don't necessarily see that. I don't quite see it that way. I'd like to see it that way, but --

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FLOYD HALL: So how much they're going to get, and everything else. They're no independent no more.

AARON HOSSETT: No. But I believe that that's the impression, either that some have or some have been convinced, or let's just say that seems to be the, it might be a little extreme to say, the propaganda line of sorts. But it seems that, you know, that doesn't seem to be the way the structure really is, and the system, it seems to be designed to reduce the numbers of [INDISCERNIBLE] considerably. And there's no, there's no real clarity whether the remaining folks will be able to get fair prices either.

TOM: Question. If we're going to go on with the supply --

MIKE EBY: I'm back. Go ahead, Tom.

TOM: We better go in with a supply of management, we need a target price. An established price that covers the USDA's cost of production that they publish every month, and as you can well see, the farm gate price is always well below the USDA's price of cost of production. That is a target that we're going to have to aim for if you're going to have anybody go along with supply and demand. They have to work together, and there is no reason why dairy farmers cannot demand an established price that covers their total cost of production with a little bit of profit in there, like any other business does manage to be. And that's where we've got to --

AARON HOSSETT: Yes, that's what I'm trying to find out. I mean, I know that this, that there are individuals working with Gary. And I know that Gary also is at a, this is a, you know, kind of, probably his busiest time. Not probably, but is. I know they're working with him on putting some type of resolution. And I haven't seen it yet. And I don't exactly know what direction that's going, but what I want to be able to do is get our other members in other parts of the state in communication with them also, so that, you know, it starts to become somewhat coherent in the state.

And also to be able to present that, I believe, to some key individuals with the New Mexico Dairy Producers Association as well. I know that there is one board member on that organization that appears to be supportive of the idea. So anyway, yes, I just, I, myself, am waiting to see what they're proposing. But they don't have very much time. Because they're, they also want to be able to send a copy of that resolution and so forth to all of the delegates prior to the meeting, which is less than a month away.

TOM: I would say don't, I would say don't sit back and wait for them to propose, have a target dollar in your own mind, as to what the target should be.

[00:15:05]

The established --

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AARON HOSSETT: Yes. Well, that's why I'm, you know, basically, that's why, really, Gary is taking the lead on this. Because, you know, as you put on the calls, this is his area of expertise. You know, he's been working on that, and he also knows these particular producers as well. So, yes, I mean, you know, I'm, he's, you know, he's the number cruncher on this.

MIKE EBY: We actually have, we actually have taken a position on that, Tom. I'm, I thought your, you probably are aware of that. But we've often said that we should, at the very least, be getting paid the price that we would happen to average as a nation. So, for instance, we know that the average price right now is, what, 24, \$25, 100 weight? I'm not sure what the latest.

FLOYD HALL: The average price, the average price for the 12 month ended up being \$23.35.

MIKE EBY: Okay. So 24, around --

FLOYD HALL: For the year.

MIKE EBY: Rounded up, for the sake of, we're getting, you know, the short end of the stick anyway. So at the very least, 24 is what we should be receiving. And, or at the very least, the average cost of production. And being that USDA figures that in as the average cost. Or that's what the cost should be.

I'm appalled that a government agency would tell us how much we, it's costing us, in essence, to produce the product, and yet, do nothing about the price that we receive from it. I'm appalled. And I'm also --

FLOYD HALL: So I mean, I just told the guys that order one out of Boston for January milk was \$15.52. Now that's in, I don't know what January's cost of production is, but that'll be out next month. But December was 22 something, and I mean, you're six, seven dollars 100 below that.

MIKE EBY: Right. Well, and the fact of the matter is that it's the government that's coming out with those numbers, and yet the co-operatives also see those numbers, and yet, act as if they've got nothing to do with it. And this is where, when you receive the newsletter coming here in the next couple days, you will notice the petition for the Vermont case for you to sign and send back to me, and I will then forward to Vermont. In that petition, we actually have stated that very fact, in that, as a co-operative, we should be receiving, or co-operatives should be seeing to it that its members receive no less than the average cost of production nationwide. So we know that that is somewhat of a far-fetched concept in order for the judge to actually enact, but it has to be said, and it has to be said in a platform that those that have ears to have, that even though they may not be able to do anything about it themselves, it continues to speak the message that needs to be heard.

So I have this petition, and I figured I would read it here for you guys, to be able to hear it, and then also look for this petition to be mailed to you in the next couple days. You will also see it, most likely, well, I've been working, when I say most likely, I've been working on being able to

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have it in the Milkweed, and as well as the Farmshine. So if you receive both of those articles, you will, you will most likely see this petition in there as well. I've also contacted the Northeast Farmer, hoping to have it within there, and also we'll see how we come along in the dairy, in the Progressive Dairyman. But the goal is to have it there as well. So let me read this petition, and hopefully by then, Jonathan will be on the line with us. Is Jonathan on the line yet? Okay. Well, hopefully by the time I'm done with this, he'll have an opportunity to jump on. And if not, we can take it then in a different direction. But let me just read this, and this will be, for those of you that may be unaware, I don't want to assume the fact that everyone is up to speed on this. So let me just generally preface this. DFA and DMS got their hands caught in the cookie jar, and they are not called out in a class-action lawsuit within the state of Vermont, which involves, I believe, 11 states within the northeast order. So if you've produced milk within federal order one, you're in this class-action lawsuit.

[00:19:58]

The only way to get out is to opt out or simply not sign a form, and then you will not receive any funds as well. But what we're requesting of you to do, even if you do not want the money, just to sign the petition that you will see sent to you by National Dairy Producers Organization. And what we're requesting as an organization, what we're asking you to also agree with, is that this is simply not about the money. This is all about a future in dairy farming, and DFA has got to be held accountable for their actions, or this monster will just continue the destructive path that it has been on. So that is a very crude way of basically explaining the situation in a very fast way. But I think it pretty much painted the picture as to where it is. This is a class-action lawsuit. It's an anti-trust case, and in essence, DFA has conspired with Dean Foods to gyp off of the American farmer, and everyone else in the situation profited from it, other than the dairy farmer. So, I'll just say, that is the, an essence of the reasoning for the lawsuit, and this is the petition that we at National Dairy Producers Organization have put together and are asking you to sign. So when you receive this in the newsletter, we're asking you to tear off the back page, sign it, and mail it to me. So here it is.

"To Dairy farmers who produced and pulled grade A milk in the federal order milk marketing order between 2002 and 2014. This is Allen versus Dairy Farmers of America," and then of course the case number. Okay. If I am slow at reading this, it's because I'm trying to read it from my iPhone, and I'm trying to move the screen as I'm reading it because it doesn't all fit on the same screen, so please bear with me. Okay, here.

"DFA acting with other organizations through the combinations and agreements is a primary organizing controlling structure for the collection, distribution, and processing of raw milk in the US. Many have concluded that the management of DFA have obtained huge monetary benefit at the expense of the US dairy farmer, and are a significant reason why the US dairy farmer is not receiving a profitable price for his milk. In the past, some farmers have sought help from politicians and Department of Justice in an effort to remove DFA management, but none have succeeded. The management of DFA is now before the Vermont District Court arguably admitting management wrongdoing to and on behalf of the co-ops. Many dairy farmer owner members, through their, through their proposed settlement offer. Over the years of the

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management of dairy organizations have been able to avoid consequences for their actions, simply by offering monetary settlements using dairy farmer owner member money. You now have an opportunity to tell the Vermont court that it should not allow existing DFA management to continue to simply buy its way out of wrongdoing, and continue on as business as usual. This is your opportunity to exercise your judicial right to tell the court that more important than monetary payment, which primarily benefits the attorneys, the court should allow the claims of wrongdoings to be fully litigated at the trial, resulting in appropriation, appropriate remedies to prevent continued wrongdoings by DFA management. In the alternative, should the court decide to allow a settlement in this matter, the provisions contained in the proposed memorandum of law, together with the including exhibits A through E must be revised to address the correct and the following inadequacies.”

Okay, so for those of you that do not know what exhibits A through E are, if you look at the settlement, specifically in there it states how DFA plans to change its course of action. And what we're suggesting is that, go fish. Try again. You don't come anywhere close to coming up with anything that you need to do to fix, to no longer to be able to be allowed to do what you do. So simply what they're stating is, that they're going to continue to do what they do. All right?

So this is number one, two, and then it's A, B, C, D and E. Okay. So this is a little wordy. So put on your thinking caps for this, okay? So these are the things that we're proposing.

[00:24:59]

“The proposed monetary payment by settling defendants is an aggregate sum of \$50 million, the settlement amount, which pursuant to exhibit E, will provide the average payment per farmer is estimated to be approximately \$4,000, is totally inadequate to compensate plaintiff class memberships for the monetary damages caused by defendant's wrongdoing. Number two, proposed conduct elements are totally inadequate to prevent continued wrongdoing by defendant's management or benefit plaintiff's co-op member owners, specifically and in part.” Now this is part. Okay?

“Part A, a pricing provision should be added to the supply agreements similar to the following, notwithstanding anything to the contrary contained in the paragraph 7.2.” Okay. What I'm going to do is skip some of the things that specify where to look, because that does you no good at this point. But when you have the settlement in front of you, this will be a benefit. Because you can then follow what I'm saying. So I'm just going to pick out the highlights.

“The establishment of two farmer representative positions. The advisory council member and farmer ombudsperson regarding the appointments of goals, rights, and duties, are all inadequate to prevent continued wrongdoings by the defendant.”

Okay. So let me explain that. The ombudsperson is simply a person that DFA is claiming to put in place so that if you have complaints as a dairy farmer, you have someone to complain to. All right?

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Now what we're suggesting is this person has no power to do anything with your complaint, so what's the point. Unless this person has power and jurisdiction over DFA, basically all he is, now, is another middleman in between you and DFA, trying to relay your problems to someone who doesn't care to listen to your problems. You understand? All right. That's basically what the ombudsperson will accomplish. And we're suggesting that it's pointless. Okay.

Another issue is block voting. "Block voting provisions should be expressly prohibited. Rather, all defendant voting should be achieved by only a three-quarter approval by individual defendant membership voting. D) the released information of DFA financial information provisions contained in paragraph 7. They're all inadequate to prevent continued wrongdoings of the defendants. E) the monitoring compliance and anti-trust compliance provisions contained in paragraph 7 are all inadequate to prevent continued wrongdoings by the defendant."

So you're seeing a pattern here. We're basically stating the fact that these are the things that they claim that they're going to do different, and we're following it by saying everything that they're suggesting, it will no longer, or it's all inadequate to prevent the continued wrongdoings by the defendants.

Okay, final paragraph. And this is the meat of it right here. "When you have hundreds of co-op management working in concert for their own best interest, and against the best interest of dairy farmer member owners, then appointing a couple of people as listening posts with no real authority, to look out for the dairy farmer, is a sham."

That's the ombudsperson that I was talking about. Okay. "That is why the proposed settlement will not prevent further management wrongdoing, nor will it benefit the dairy farmer co-op owners. However, if the court were to grant oversight and an opportunity to the co-op dairy farmer owner members to revise the co-op goals and policies to benefit the dairy farmer owners, and an opportunity to remove and replace existing co-op management, then the continued wrongdoings by defendants might possibly be stopped."

Okay. That was a very powerful statement. Let me read that again. "However, if the court were to grant oversight and an opportunity to the co-op dairy farmer owner members to revise the co-op goals and policies to benefit the dairy farm owners, and an opportunity to remove and replace existing co-op management, then the continued wrongdoings by defendants might possibly be stopped."

That is the battle cry right there. That is the sentence that I wish we've actually highlighted, because that's the whole reason for this petition. What we are suggesting is that management and board directors, if they do not change their thought process, have to go.

[00:29:56]

And we've got to realign these boards with members of dairy farmer owners who own, who own the DFA board, or own the DFA co-operative, to sit and replace them on their behalf, so that

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they speak for the message, they speak the message of the dairy farmer, and not the message of the current management of DFA.

Okay, let me continue. "If the court fails to provide this opportunity for oversight and meaningful change, then the result will simply be monetary expenditure of dairy farmer money for attorney fees, and the continuation of the wrongdoing by defendants as business as usual. The judge should no let herself or her court be used by the defendants to perpetuate a sham. Should you wish to convey the above thoughts to the court and object to the proposed settlement, and a request by the class lawyers for one-third of the settlement amount of \$16.66 million in attorney fees, plus cost expenses and incentive fees up to 20,000 for each dairy farm that brought the lawsuit, you may sign this document and forward it to the court in advance with its instructions."

Or we are then giving them an opportunity to also mail it to me, and I will see to it that it gets to the court. We also have an opportunity for you to have your name, address, telephone number, signature, as well as a brief statement regarding your milk sales and co-operative status or affiliation, or anything else that you'd like to say to the court, so that they can have it on record that you stand opposed to the current settlement that is proposed. So anyway, I wanted to read that and give you some insight as to what to expect coming here in the next couple weeks, actually days. And in the next couple weeks you'll see these in publications as well, and we ask that you discuss this with your neighbors. That you make them aware if they're not already, and have them become part of this. Because quite honestly, we need to have this be made an issue if it's not made an issue already within your community. Because quite honestly, I feel this is probably our last shot at this. If we do not get to the point where the co-operatives find dairy farmers words anything, to mean anything, I truly believe that if we do not stand in opposition with this, this will be one of our last chances to do so. So I'd like to open it up for discussion. Maybe thoughts on what you guys think about that process, and maybe how you can help us along the way.

TOM: Well, it sounds like a good thing. Hopefully most everybody that receives a bill acknowledges it and puts it to good use.

MIKE EBY: I can, I can barely hear. Is this Jonathan on the line?

TOM: No, this is Tom.

MIKE EBY: Okay, I'm sorry, Tom. I could barely hear you. Maybe it's just my phone.

TOM: I have a new phone, and I haven't really got it keyed up yet, so --

MIKE EBY: Okay. I can hear you a little better now. Go ahead.

TOM: Well, basically the way I hear you say it, it is a very good opportunity for us dairy farmers, or those that are still in business, to read it through, act on it, and send it on. Because it is the thing to do.

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MIKE EBY: Yes.

TOM: We have no other choice.

MIKE EBY: That's right. And this is the third attempt that the class council is put forth, and I would be very surprised if she would not accept it, unless she hears a serious outcry from the dairy farm class. If she hears that outcry, it's going to put her in a very awkward position.

I'm just thinking out loud, but if we were to get 1,000 petitions, and they were to go across her desk, and they were to then show up on the court docket, and they would also then be mailed to all of the attorneys, that is a statement. Loud and clear. What does she do with that? It's going to make it very difficult for her.

FLOYD HALL: But the big problem to me is you've got to get the guys to do it. And this is the problem that we've had for years and years and years, that they won't stand up for themselves.

MIKE EBY: That's right.

FLOYD HALL: They do listen to this kind of thing, and I mean, they have to do this if they want to stay in business. If not, you're all going to be gone.

MIKE EBY: That's right.

FLOYD HALL: And they, and I mean you're going to be gone. Within 10 years, you're going to be gone.

MIKE EBY: I think it --

FLOYD HALL: That's it.

[00:35:00]

MIKE EBY: With this gaining as much publicity as what it had in the last year, I think we have a better shot at this than if we were to try to pull this off last year, because quite honestly, I don't think many people really knew what was going on. And I'm hoping that they have a little bit more comprehension as to what's actually happening, and the ramifications because of it. And you know, I'm hopeful. And plus we do have a ground force here in Pennsylvania. So I know we can pull at least 200 out of this state. So I'm basically, I'm banking on, you know, you guys.

I know Ken and Jonathan are going to be at an expo, and they're going to have an opportunity to have dairy farmers sign there. And I'm hoping that, you know, we have, even if it's not an overwhelming response from the publications. Even if it's, you know, it's more than what we would've had otherwise, had it just been in our newsletter. So the good news we do --

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FLOYD HALL: That would be a good opportunity for Jon Haar to hand those out in Syracuse.

MIKE EBY: They are overnighted tonight, and they will be at his house tomorrow. And he will have a few hundred in his hand.

FLOYD HALL: Okay.

MIKE EBY: That's already taken care of.

FLOYD HALL: All right.

MIKE EBY: This is what, this is what I mean by a ground game. We have to be very effective at what we do. We have one crack at this, and --

FLOYD HALL: I agree with you 100 percent.

MIKE EBY: Yes.

FLOYD HALL: But to get these guys to do this is just like pulling any teeth. I know these ones up here, these big high polluting guys, you take one of them to them and they throw it in the garbage.

MIKE EBY: And is that because they, they're bought and paid for by the co-operative?

FLOYD HALL: Yes.

MIKE EBY: Okay. Well, and I, as many of those that may be around, I still feel that the majority of farmers are not that in this area. Maybe they're, maybe it's different in your, you know, in your area. Maybe --

FLOYD HALL: If you send it up here, man, I'm telling you, you ask -- [PH] Kurt, are you on here? I thought he was going to get on.

MIKE EBY: Yes, I mean --

FLOYD HALL: I mean, it's totally different up here. I mean, he's probably got two or three hundred farmers right down the, in his area, and I'll bet you he can't get any of them to sign it, and I'll bet on it. Or else they'll throw him out on the road.

MIKE EBY: Well, and how much of, Floyd, how much of that comes down to the fact that they may be fearful of retaliation?

FLOYD HALL: Well, there's probably some of that too.

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MIKE EBY: Yes. I think there's probably more of that. Fortunately, here in this area, I don't, we don't fear that quite as much, simply because we have other markets now.

FLOYD HALL: Well, up here, I mean, up here, I mean, I mean, you've got, you've got DFA and you've got AgroMart.

MIKE EBY: Right.

FLOYD HALL: And that's all you've got. And 90 percent of it is DFA.

MIKE EBY: Yes.

FLOYD HALL: Because they'll do whatever they've got to, to make sure you don't have a market.

MIKE EBY: Yes. Anybody else have any other thoughts on how to proceed? If you have any other ideas. I do know that we are in need of some assistance. Floyd, maybe you can help us with this. We have a few counties left in New York that we need to glean from that, from the website, the Starving Farmer website.

FLOYD HALL: Yes.

MIKE EBY: So I didn't know if you were willing to be, if you were willing to help with that cut and paste.

FLOYD HALL: Sure. I mean, what do you need?

MIKE EBY: Can I have either Derek, maybe [PH] Jake get in touch with you tomorrow?

FLOYD HALL: Yes.

MIKE EBY: There's –

DEREK: I'm here.

FLOYD HALL: [INDISCERNIBLE] we got bad, we've had snow all day.

DEREK: Mike, I'm on here.

MIKE EBY: You are? Okay.

DEREK: Yes. The emails that Jake had sent earlier said that they have done up through Livingston County I guess. So about half of the, half of the counties I guess are done.

MIKE EBY: Okay.

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DEREK: So I guess as you go down the Starving Farmer county list, the next one would be Madison County.

[00:40:04]

And just to give everyone a little idea how I went at this, what I would do is Google Madison County New York dairy recipients. And the first thing that'll come up is an EWG farm subsidy website. And it'll be from like 1995 to 2012.

MIKE EBY: Yes.

DEREK: What you'll want to do is go over on the left-hand side, and just click on the top recipients in 2012. That's the most recent. And it'll give you a list. Now for instance, Madison County New York, there's 197 subsidy recipients, 20 per page. And then, what I do is then take the information off of that, and then go back to the Starving Farmer website under Madison County, and you've got a list of names to after here that you know are dairy recipients from 2012. So you can sift through the list of, because if Starving Farmer has dairy recipients and grain and everything, and it just takes forever to click through that. But that's kind of the method that I use. And then probably the easiest way is, if you have capability of running Microsoft Excel, I can get you a template for name, address, city, state, and zip code. And it's just a matter of, you know, typing a name in each of these blocks, and that's in a format then that's usable to go right to an NDPO's mailing list. So anybody with computer access and Microsoft Excel, I'm happy to work with you to kind of show you how I did it. I was looking through the list and I was able to get a few states done. I think, oh, I looked up, might've got about 700 names done or something, but that's just a needle in the haystack I guess. But, yes, there's a lot to go yet. So basically starting with Madison County, New York, and on down the list.

MIKE EBY: Well thank you, Derek, for that leadership. We really appreciate that because it's, yes, it's a lot for one person to try to do. I know Gary had an intern going through that list as well, and picking off some and --

DEREK: Right. I mean, if he's got half of New York done, that's quite a thing in itself, you know?

MIKE EBY: Right. Right.

DEREK: There's several thousands of them. Yes. So --

MIKE EBY: So, yes. If there's anyone that would be willing to help with that, we'd really appreciate that. So you can let myself know or, you know, Derek as well. But, Floyd, had you done, you had done some in the past, correct?

FLOYD HALL: Yes. I done Herkimer. I mean, man, there was a lot of them there, I'm telling you.

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MIKE EBY: Okay.

DEREK: I think Jake was able to figure out a way to take it off of that list. And you'd done that on Microsoft Word I think.

MIKE EBY: Right.

DEREK: I think he figured out a way to convert that. So he was able to use that.

MIKE EBY: Okay.

DEREK: But if, you know, if anybody's doing this, it's just as easy to put it into Excel.

MIKE EBY: Okay.

DEREK: I'm happy to help you in that process. It's, you know, that way, that way you know it's in there and it's in the system.

MIKE EBY: All right. Well, thank you, Derek, for that. And anything else on that Vermont issue? I'm assuming Jonathan was not able to join us here this evening. We'll try to --

KEN DOBELL: You know, there is, there is something else on that. I made up a new form for [INDISCERNIBLE], and the [PH] South New Berlin co-op, which I'd been, was a member for 25 years, and I've been pushing this issue.

So I'm being threatened with a lawsuit if I don't quit pursuing this, because we might, the co-op might lose its market. And that, food for thought.

[00:45:01]

I mean, this Saturday hopefully with Ben [PH] Kelliher, long-time DFA employee. He lives nearby. And he says he'll call me so we can get together this weekend. But I want to search his soul and see if I can convince him, you know, that we really don't want to jeopardize our market.

MIKE EBY: So, I missed the first part of that, Ken. Are you saying, you're saying you're being threatened personally?

KEN DOBELL: Yes. By an individual who is probably can be quoted as manager of the South New Berlin co-op. He's not an officer, he's a long-time milk person.

MIKE EBY: So what have, and I don't mean this in a derogatory way, but what have you done personally to drag this on in his mind?

KEN DOBELL: Well, I sent him a copy of the new resolution. The petition.

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MIKE EBY: Okay.

KEN DOBELL: And got his attention. But it's, have they sent you the new one?

MIKE EBY: Say that again?

KEN DOBELL: On, has [PH] Bottie and Jonathan sent you the new petition that we just made up?

MIKE EBY: I hadn't seen the most recent.

KEN DOBELL: Okay. Well, it's only a week old or less.

MIKE EBY: Okay.

KEN DOBELL: As a matter fact, it's only about five days old. We made it last Friday.

MIKE EBY: Okay.

KEN DOBELL: And it's straightforward, but if it's going to put the market in jeopardy for many producers, I'm not going to be very popular.

MIKE EBY: Well, are they under DFA control?

KEN DOBELL: DMS.

MIKE EBY: They're under DMS. So therefore, they are looking at this as a potential problem for their marketing of their milk if you, in essence, continue to promote the lawsuit.

KEN DOBELL: Yes. That's the size of it.

MIKE EBY: That's very interesting. Now, let me ask you this. Was that just a verbal threat? Or was it beyond that?

KEN DOBELL: It's just verbal at this point.

MIKE EBY: Oh.

KEN DOBELL: Yes, I'm sitting on it. I have a meeting with Kelliher Saturday. See what I can feel out from him. But I don't usually --

MIKE EBY: People are pretty quick, people are pretty quick hand to throw out the verbal threat, because they feel that may be enough to make you back down.

KEN DOBELL: No.

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MIKE EBY: But the reality of it is, you know, the chances of anybody coming through with anything on a written basis is very slim. Because, first of all, they don't have, you're a class member. You're allowed to do whatever you want.

KEN DOBELL: Yes, but I'm not a producer anymore.

MIKE EBY: Yes. Did you ship milk, did you ship milk within that class period?

KEN DOBELL: No. I quit in '97. My farm did. Two operators on my farm are in that category.

MIKE EBY: Okay. But you, yourself, had not produced. So therefore, you are not a class member.

KEN DOBELL: No.

MIKE EBY: I don't know --

DEREK: But you know, this is still America, and there is still a first amendment.

MIKE EBY: Yes. And the judge was very quick to point that out when class council tried to silence National Dairy and myself back in September or August, whenever that was. They were ineffective, or they were, the judge basically, well she denied their request.

She brought out the first amendment, and stated the fact that we're allowed to have an opinion, and we're allowed to speak too. So I don't necessarily see how they have any grounds to do what they've suggested to do there to you, Ken.

DEREK: Sounds like an empty threat to me.

MIKE EBY: Yes.

KEN DOBELL: Well, if they would, they had a meeting scheduled last Friday, and I was invited. Then they cancelled it. Moved it, they moved it to Saturday. Well, it was Friday night that I got into it with [PH] Jack King, and faxed him a petition. The new one. And that's, they didn't even have the meeting Saturday, because they cancelled it. But he literally threatened me with court action.

[00:50:00]

And so I'm walking on thin ice right at the moment. I feel that my responsibility as a former farmer to try to save what's left of the family farm community. And the White House was going to get a 14-page fax today, but they don't have a fax machine anymore. I had the old number. But I'm not get on the computer. I'm not capable. I have made up my mind. The 20th century

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was a good place for me, and I'm going to stay there. I could use a fax machine. I had sent faxes to the White House before, but they don't do faxes anymore.

MIKE EBY: Well, I just encourage you, Ken, to continue to pursue what you know to be true, and everything will fall where it may. I really believe, as Derek said, that these are just simply empty threats. And to be totally honest, I'll be surprised if I don't get empty threats at the same time. I mean, we've gotten them before from 13 lawyers from the five firms that are representing these cases. And you know, they were threats to silence us, and they were asking the judge to honor their motion, and when she denied that motion, that was a victory, I feel, for dairy farmers all across the nation. Because it set a precedent. And you know, quite honestly, maybe it would be beneficial for you, if I were to see to it that you get a copy of that. In fact, I don't know if you see, if you'll see Jonathan here in the near future, but he has, basically has a copy of that as well. He would have that from the court docket. But that, itself, right there, the motion that the judge denied the request to silence us, that's proof right there that you have a legal right to be able to speak, because National Dairy got attempted to be slapped, and we walked away unscathed. So I feel that you could probably use that in your case with this empty threat.

KEN DOBELL: Can we send it on a piece of paper?

MIKE EBY: It's actually on, I don't know how many pages it is. It might be 10 or more.

KEN DOBELL: Well, I'll check with Diane and John on that.

MIKE EBY: Yes. Just ask her for the motion that was denied by the judge to silence National Dairy, and she knows exactly what it is.

KEN DOBELL: Okay.

MIKE EBY: And that's an example right there, that you're fine. Because this has already been challenged and won. But --

KEN DOBELL: Okay. I'll check with my hires on that.

MIKE EBY: Okay. Sounds good.

KEN DOBELL: Anybody on the call have an actual accurate number of the number of dairy producers left in this nation?

MIKE EBY: Is it less than 43?

KEN DOBELL: Oh, I don't know. 43 is what I'm still using. Down from 45 and down from 44. I'm just going to use 42.

FLOYD HALL: What do you need? The number of farmers left?

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KEN DOBELL: Licensed and inspected dairy producers in the country.

FLOYD HALL: I'd say, you want to know how many farmers are left?

KEN DOBELL: Yes.

FLOYD HALL: Well, that hasn't come out yet.

KEN DOBELL: Oh.

TOM: No, but if you look at the report from the signup for the year of '16, they indicate that there is a three percent drop in signups. So wouldn't that indicate that there's three percent less of the 45 left?

FLOYD HALL: Well that was 40 about, I think it was 45,343 last year or something like that left.

KEN DOBELL: The last time it was published?

FLOYD HALL: But I checked that the other day, and 2015 hasn't, they haven't got it posted yet.

TOM: Well, yes --

KEN DOBELL: Hey Floyd, are we going to Tunkhannock on Thursday?

FLOYD HALL: Are we what?

KEN DOBELL: I say are we going to Tunkhannock on Thursday for the press conference?

FLOYD HALL: I doubt it.

[00:55:00]

KEN DOBELL: Okay.

MIKE EBY: Gentlemen, I'm going to, I'm going to let you guys continue the conversation. I'm going to formally conclude this call though, and welcome you guys next week to this National Dairy Producer call.

And just a reminder that this is a recorded call, so feel free to let your neighbors know about the supporting, and always great to have participation. So thanks again, ones for participating, and feel free to stay on the line to communicate amongst each other. Feel free to do that. All right. We'll catch you next week. Thanks guys. See you.

KEN DOBELL: Okay. Thanks. Bye.

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MIKE EBY: Yes.

DEREK: Thanks.

FLOYD HALL: Hey, [PH] Fred

FRED: Yes?